

U.S. Department of Justice



*United States Attorney
Western District of Pennsylvania*

*Federal Courthouse
Room A330
17 South Park Row
Erie, Pennsylvania 16501-1158*

814/452-2906

July 18, 2006

Michael Hadley, Esquire
One Drake Drive
Oil City, PA 16301

Re: United States of America v.
ALESHA M. EBERLE
Criminal No. 05-26 Erie



Dear Mr. Hadley:

This letter sets forth the agreement by which your client, ALESHA M. EBERLE, will enter a plea of guilty in the above-captioned case. The letter represents the full and complete agreement between ALESHA M. EBERLE and the United States Attorney for the Western District of Pennsylvania. The agreement does not apply to or bind any other federal, state, or local prosecuting authority.

Upon entering a plea of guilty, ALESHA M. EBERLE will be sentenced under the Sentencing Reform Act, 18 U.S.C. §3551, et seq. and 28 U.S.C. §991, et seq. The Sentencing Guidelines promulgated by the United States Sentencing Commission will be considered by the Court in imposing sentence. The facts relevant to sentencing shall be determined initially by the United States Probation Office and finally by the United States District Court by a preponderance of the evidence.

A. The defendant, ALESHA M. EBERLE, agrees to the following:

1. She will enter a plea of guilty to Count Three of the Superseding Indictment at Criminal No. 05-26 Erie, charging her with violating Title 18, United States Code, Section 2252(a)(4)(B), pursuant to Rule 11 of the Federal Rules of Criminal Procedure.
2. If the Court imposes a fine or restitution as part of a sentence of incarceration, ALESHA M. EBERLE agrees to participate in the United States Bureau

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of Prisons' Inmate Financial Responsibility Program, through which 50% of her prison salary will be applied to pay the fine or restitution.

3. At the time ALESHA M. EBERLE enters her plea of guilty, she will deposit a special assessment of \$100 in the form of cash, or check or money order payable to "Clerk, U.S. District Court". In the event that sentence is not ultimately imposed, the special assessment deposit will be returned.
4. As required by 18 U.S.C. §§3563(a)(8), 3583(d), and 4042(c)(4), ALESHA M. EBERLE agrees to report the address where she will reside and any subsequent change of residence to the probation officer responsible for her supervision, and further agrees to register as a convicted sex offender under the law of any state in which she resides, is employed, carries on a vocation, or is a student.
5. ALESHA M. EBERLE waives the right to take a direct appeal from her conviction or sentence under 28 U.S.C. §1291 or 18 U.S.C. §3742, subject to the following exceptions:
 - (a) If the United States appeals from the sentence, ALESHA M. EBERLE may take a direct appeal from the sentence.
 - (b) If (1) the sentence exceeds the applicable statutory limits set forth in the United States Code, or (2) the sentence unreasonably exceeds the guideline range determined by the Court under the Sentencing Guidelines, ALESHA M. EBERLE may take a direct appeal from the sentence.
 - (c) As a condition of her guilty plea, ALESHA M. EBERLE may take a direct appeal from her conviction limited to the following issue: whether her motion to suppress the evidence seized from the subject computer was properly denied. If ALESHA M. EBERLE takes a direct appeal raising this issue and prevails in the appeal, she may withdraw her plea of guilty. If she does not take a direct appeal or does not prevail in the appeal, the plea of guilty shall stand.

The foregoing reservations of the right to appeal on the basis of specified issues do not include the right to raise issues other than those specified.

ALESHA M. EBERLE further waives the right to file a motion to vacate sentence, under 28 U.S.C. §2255, attacking her conviction or sentence, and the right to file any other collateral proceeding attacking her conviction or sentence.

B. In consideration of and entirely contingent upon the provisions of Parts A and C of this agreement, the United States Attorney for the Western District of Pennsylvania agrees to the following:

1. The United States Attorney retains the right of allocution at the time of sentencing to advise the sentencing Court of the full nature and extent of the involvement of ALESHA M. EBERLE in the offenses charged in the Superseding Indictment and of any other matters relevant to the imposition of a fair and just sentence.
2. Prior to sentencing, the United States Attorney will, orally or in writing, move that, pursuant to §3E1.1 of the Sentencing Guidelines, the Court reduce the offense level by 3 levels for acceptance of responsibility, on the grounds that the offense level prior to application of §3E1.1 is 16 or greater, and ALESHA M. EBERLE timely notified authorities of her intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently.
3. The United States Attorney will take any position she deems appropriate in the course of any appeals from the sentence or in response to any post-sentence motions.

C. ALESHA M. EBERLE and the United States Attorney further understand and agree to the following:

1. The penalty that may be imposed upon ALESHA M. EBERLE is:
 - (a) A term of imprisonment of not more than ten (10) years, but if the defendant has a prior conviction under this chapter, Chapter 109A or Chapter 117, or under the laws of any state relating to aggravated sexual abuse, sexual

abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be imprisoned not less than ten (10) years nor more than twenty (20) years;

- (b) A fine of \$250,000;
- (c) A term of supervised release of up to life;
- (d) A special assessment under 18 U.S.C. §3013 of \$100.

2. This agreement does not preclude the government from pursuing any civil or administrative remedies against ALESHA M. EBERLE or her property.
3. The parties stipulate that pursuant to U.S.S.G. § 2G2.2(a)(1), ALESHA M. EBERLE's base offense level is 18. The base offense is then increased by 2 levels pursuant to U.S.S.G. § 2G2.2, resulting in an overall offense level of 20. The final offense level is then 17 after the 3 level reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1. This stipulation represents the parties' best understanding on the basis of the information available as of the date of this agreement. The stipulation is not binding on the Court and does not preclude the parties from bringing to the attention of the United States Probation Office or the Court any information not within their knowledge at the time this agreement is executed.

This letter sets forth the full and complete terms and conditions of the agreement between ALESHA M. EBERLE and the United States Attorney for the Western District of Pennsylvania, and there are no other agreements, promises, terms or conditions, express or implied.

Very truly yours,



MARY BETH BUCHANAN
United States Attorney

I have received this letter from my attorney, Michael Hadley, have read it and discussed it with him, and I hereby accept it and acknowledge that it fully sets forth my agreement with the Office of the United States Attorney for the Western District of Pennsylvania. I affirm that there have been no additional promises or representations made to me by any agents or officials of the United States in connection with this matter.


ALESHA M. EBERLE

8-11-06
Date

Witnessed by:


MICHAEL HADLEY
Counsel for ALESHA M. EBERLE